

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 IO-10 ISO-00 ACDE-00 AECE-00 SSO-00

USIE-00 NSCE-00 INRE-00 AEC-05 CIAE-00 H-01 INR-07

L-02 NSAE-00 OIC-02 OMB-01 PA-01 PM-03 PRS-01 SAJ-01

SAM-01 SP-02 SS-15 TRSE-00 RSC-01 NSC-05 BIB-01

DODE-00 AF-06 ARA-06 EA-06 NEA-09 OES-03 /112 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 542

INFO AMEMBASSY LONDON IMMEDIATE

S E C R E T GENEVA 0810

FROM USDEL NPT PREPCOM

E.O. 11652: GDS

TAGS: PARM

SUBJECT: NPT REVIEW CONFERENCE, SIGNATORY AND OVSERVER STATUS

REF: GENEVA 0782

1. TEXT OF RULE ON SIGNATORIES GIVEN US FEBRUARY 7 BY MEXICANS ON BEHALF OF SPONSORING GROUPS, IN RESPONSE TO PREVIOUS SUGGESTIONS WE MADE TO THEM READS AS FOLLOWS:

"ANY STATE SIGNATORY TO THE TREATY WHICH HAS NOT YET RATIFIED IT SHALL BE ENTITLED TO PARTICIPATE WITHOUT TAKING PART IN THE ADOPTION OF DECISIONS, WHETHER BY CONSENSUS OR BY VOTE, IN THE DELIBERATIONS OF THE CONFERENCE, SUBJECT TO PRIOR WRITTEN NOTIFICATION TO THE SECRETARY-GENERAL OF THE CONFERENCE. THIS MEANS THAT ANY OF THOSE SIGNATORY STATES SHALL BE ENTITLED TO APPOINT OFFICIALS TO ATTEND MEETINGS OF THE PLENARY AND OF THE MAIN COMMITTEES; TO ADDRESS SUCH MEETINGS; TO RECEIVE THE DOCUMENTS OF THE CONFERENCE AND TO SUBMIT

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ITS VIEWS IN WRITING TO THE CONFERENCE, WHICH SHALL BE

CONSIDERED AS CONFERENCE DOCUMENTS."

2. THIS TEXT OMITTS ITEM WE HAD PREVIOUSLY INCLUDED TO EFFECT THAT SIGNATORIES WOULD HAVE TO ADDRESS WRITTEN REQUEST TO CHAIR FOR RECOGNITION, BUT WE DO NOT THINK THIS IS IMPORTANT AND WE ARE PREPARED TO AGREE TO ABOVE LANGUAGE WHEN ALL OTHER PROBLEMS HAVE ALSO BEEN AGREEABLY RESOLVED.

3. RULE REGARDING NON-SIGNATORY OBSERVER STATES READS AS FOLLOWS:

"ANY OTHER STATE WHICH HAS NEITHER SIGNED NOR RATIFIED THE TREATY MAY APPLY TO THE SECRETARY-GENERAL OF THE CONFERENCE FOR OBSERVER STATUS WHICH WILL BE ACCORDED ON THE DECISION OF THE CONFERENCE. SUCH A STATE SHALL BE ENTITLED TO APPOINT OFFICIALS TO ATTEND MEETING OF THE PLENARY AND OF THE MAIN COMMITTEES OTHER THAN THOSE DESIGNATED CLOSED MEETINGS, AND TO RECEIVE DOCUMENTS OF THE CONFERENCE. AN OBSERVER STATE SHALL ALSO BE ENTITLED TO SUBMIT DOCUMENTS TO THE PARTICIPANTS IN THE CONFERENCE."

4. THIS TEXT CORRESPONDS CLOSELY TO WHAT WE HAD ASKED, EXCEPT THAT PREVIOUS TEXT, FROM ORIGINAL MEXICAN PROPOSAL READS "ANY STATE MEMBER OF THE UN, OF ITS SPECIALIZED AGENCIES OR OF THE IAEA." WE UNDERSTAND CHANGE FROM THIS WORKING TO "ANY OTHER STATE" WAS STRONGLY URGED IN NON-ALIGNED WORKING GROUP BY ROMANIA. SOVIET AMBASSADOR HAD ALSO PREVIOUSLY TOLD US HE DESIRED THIS CHANGE. SOVIETS CLAIMED CHANGE WAS NECESSARY TO ACCOMMODATE POSSIBLE DESIRE OF DEMOCRATIC REPUBLIC OF VIET NAM TO COME AS OBSERVER. WE FEAR, HOWEVER, THIS MAY OPEN DOOR TO PRG, PLO AND SIMILAR PROBLEMS.

5. IN COORDINATION WITH BRITISH, WE HAVE TOLD MEXICANS, SWEDES AND YUGOSLAVS, WHO ARE LEADERS IN NON-ALIGNED GROUP, THAT THIS PHRASE IS TOTALLY UNACCEPTABLE. THEY WERE TOLD THAT USDEL HAD BEEN VERY FORTHCOMING IN MEETING PRINCIPLES OF ORIGINAL NON-ALIGNED DRAFT AN
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HAD WORKED ON BASIS PREVIOUS WORDING. (WITH CERTAIN AMOUNT OF HYPERBOLE) WE SAID OUR INSTRUCTIONS COMPLETELY PREVENT ACCEPTANCE OF "ANY OTHER STATE", THAT WE WOULD HAVE TO REFER TO WASHINGTON FOR NEW INSTRUCTIONS IF OTHERS INSIST ON THIS, AND THAT, ESPECIALLY IN VIEW THIS WEEK'S EVENTS IN HUMANITARIAN LAW CONFERENCE, WE DOUBTED THERE WAS ANY CHANCE OF BEING INSTRUCTED TO ACCEPT.

6. AFTER ALL OF THESE POINTS HAD BEEN MADE AS ABOVE,
MEXICAN AMBASSADOR SPOKE AGAIN TO ZURHELLEN AND SAID
NON-ALIGNED BELIEVED THEY HAD ALSO GONE FAR TO MEET
OUR DESIRES AND THEY COULD NOT GIVE UP "ANY OTHER STATE".
HE WAS TOLD AGAIN THAT WE HAD NO FLEXIBILITY AND
WERE OBVIOUSLY AT IMPASSE.

7. OF COURSE, FROM OUR POINT OF VIEW, WE WOULD PREFER
DROPPING THIS PARA ENTIRELY, BUT THAT IS NOT LIKELY
TO BE ACCEPTABLE TO NON-ALIGNED, SO DECISION ON
SIGNATORIES AND OBSERVERS WILL PROBABLY HAVE TO BE
TAKEN TOGETHER. DELEGATION URGENTLY NEEDS DEPARTMENT'S
INSTRUCTIONS ON THIS POINT. IT SHOULD BE NOTED , OF
COURSE, THAT ONLY STATUS ACCORDED OBSERVERS, AND THEN
ONLY ON THE DECISION OF THE CONFERENCE,
WOULD BE TO ATTEND MEETINGS OF PLENARY AND MAIN
COMMITTEES WHICH ARE, IN ANY EVENT, OPEN TO PUBLIC,
TO RECEIVE DOCUMENTS OF CONFERENCE AND SUBMIT
DOCUMENTS TO PARTICIPANTS (LAST POINT PRECLUDING
THEIR DOCUMENTS BEING TREATED AS CONFERENCE DOCUMENTS.)

8. OTHER UNCERTAINTIES, SUCH AS FINAL ATTITUDE OF
PHILIPPINES, TOWAR PERMITTING SIGNATORIES TO TAKE PART, CONTINUE
UNRESOLVED. IN ORDER FOR USDEL
TO GET MOST WE CAN OUT OF WHAT MUST IN OUTCOME BE
DECIDED BY CONSENSUS, WE WOULD HOPE TO HAVE BY BEGIN-
ING NEXT WEEK DEPARTMENT'S PREFERRED POSITIONS
AND ALSO ULTIMATE FALL-BACK TO PROVIDE US MAXIMUM
FLEXIBILITY IN BARGAINING.DALE

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